

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

GUARDIAN INDUSTRIES CORP.,	)	
	)	
	)	
Plaintiff,	)	C.A. No.: 05-27-SLR
v.	)	
	)	Jury Trial Demanded
DELL, INC.;	)	
GATEWAY, INC.;	)	
HEWLETT-PACKARD COMPANY;	)	
ACER INC.;	)	
ACER AMERICA CORPORATION;	)	
AOC INTERNATIONAL;	)	
ENVISION PERIPHERALS, INC.;	)	
TPV TECHNOLOGY, LTD.;	)	
TPV INTERNATIONAL (USA), INC.;	)	
AU OPTRONICS CORPORATION;	)	
AU OPTRONICS CORPORATION AMERICA a/k/a	)	
AU OPTRONICS AMERICA, INC.;	)	
BENQ CORPORATION;	)	
BENQ AMERICA CORPORATION;	)	
CHUNGHWA PICTURE TUBES, LTD. a/k/a	)	
CHUNGHWA PICTURE TUBES COMPANY;	)	
TATUNG COMPANY;	)	
TATUNG COMPANY OF AMERICA, INC.;	)	
BOE HYDIS TECHNOLOGY COMPANY, LTD.;	)	
BOE HYDIS AMERICA INC.;	)	
CHI MEI OPTOELECTRONICS;	)	
COMPAL ELECTRONICS, INC.;	)	
DELTA ELECTRONICS, INC.;	)	
DELTA PRODUCTS CORPORATION;	)	
DELTA ELECTRONICS (THAILAND) PUBLIC COMPANY, LTD.;	)	
HANNSTAR DISPLAY CORPORATION;	)	
JEAN CO., LTD.;	)	
LITE-ON TECHNOLOGY CORPORATION;	)	
LITE-ON, INC. a/k/a LITEON TRADING USA, INC.;	)	
MAG TECHNOLOGY COMPANY, LTD.;	)	
MAG TECHNOLOGY USA, INC.;	)	
PROVIEW INTERNATIONAL HOLDINGS, LTD.;	)	
PROVIEW TECHNOLOGY, INC.;	)	
PROVIEW ELECTRONICS COMPANY, LTD.; and	)	
QUANTA DISPLAY, INC.	)	
	)	
Defendants.	)	
	)	

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**AFFIDAVIT PURSUANT TO D. DEL. LR 4.1 (b)**

STATE OF DELAWARE :  
COUNTY OF NEW CASTLE : SS:  
: :

**BE IT REMEMBERED** that on this 11<sup>th</sup> day of April, A.D. 2005, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Richard K. Herrmann, attorney for the Plaintiff, who being sworn according to law did depose and say as follows:

**DEFENDANT CHUNGHWA PICTURE TUBES, LTD. a/k/a CHUNGHWA PICTURE TUBES COMPANY**

1. That to the best of his knowledge, the Defendant Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company is a nonresident of the State of Delaware whose name and address is as follows:

Chunghwa Picture Tubes, Ltd.  
a/k/a Chunghwa Picture Tubes Company  
No. 1127, Ho-ping Road  
Tanan, Pahte, Taoyuan  
Taiwan R.O.C.

2. That on January 19, 2005, the Complaint in the above-captioned action was filed; that on January 24, 2005 the Clerk issued a Summons to serve the Secretary of State pursuant to 10 Del. C. § 3104.

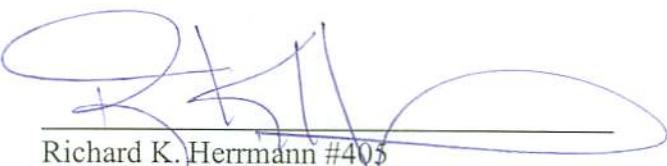
3. That on January 25, 2005, the Return of Service was filed, a copy of which is attached as Exhibit A.

4. That on February 3, 2005, the said Richard K. Herrmann, Esquire, caused a copy of the Notice, attached hereto as Exhibit B, to be mailed by Registered Mail to the following defendant: Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company.

5. That on March 28, 2005, he, Richard K. Herrmann, Esquire, received from the postal authority the domestic return receipt attached hereto as Exhibit C.

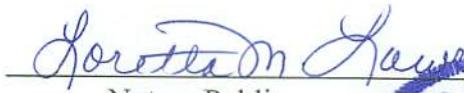
6. That the said receipt has the same registered number, to-wit: RB 420 560 186 US, as the receipt received at the time of the mailing of said notice, attached hereto as Exhibit D.

Dated: April 11, 2005

  
Richard K. Herrmann #405  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
(302) 888-6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

Attorneys for Plaintiff  
GUARDIAN INDUSTRIES CORP.

SWORN TO AND SUBSCRIBED before me the day and year aforesaid:

  
Loretta M. Lawrence  
Notary Public  


**CERTIFICATE OF SERVICE**

I hereby certify that on the 11<sup>th</sup> day of April, 2005, I electronically filed the foregoing document, **AFFIDAVIT PURSUANT TO D.DEL. L.R. 4.1(b)**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

Richard L. Horwitz, Esq.  
 David E. Moore, Esq.  
 Potter Anderson & Corroon  
 Hercules Plaza, 6<sup>th</sup> Floor  
 1313 N. Market Street  
 Wilmington, DE 19801

Jeffrey S. Goddess, Esq.  
 Rosenthal Monhait Gross & Goddess, P.A.  
 919 Market Street, Suite 1401  
 Wilmington, DE 19801

Gerard M. O'Rourke, Esq.  
 Connolly Bove Lodge & Hutz LLP  
 1007 North Orange Street, P.O. Box 2207  
 Wilmington, Delaware 19899-2207

Josy W. Ingersoll, Esq.  
 Young, Conaway, Stargatt & Taylor LLP  
 The Brandywine Building  
 1000 West Street, 17<sup>th</sup> Floor  
 Wilmington, DE 19801

Additionally, I hereby certify that on the 11<sup>th</sup> day of April, 2005, the foregoing document was served via email on the following non-registered participants:

Teresa M. Corbin, Esq.  
 Howrey Simon Arnold & White LLP  
 525 Market Street, Suite 3600  
 San Francisco, CA 94105  
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 Vinson & Elkins  
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San Anselmo, CA 94960  
[rcweems@comcast.net](mailto:rcweems@comcast.net)



Richard N. Herrmann (#405)  
MORRIS, JAMES, HITCHENS & WILLIAMS LLP  
222 Delaware Avenue, 10<sup>th</sup> Floor  
Wilmington, Delaware 19801  
302.888.6800  
[rherrmann@morrisjames.com](mailto:rherrmann@morrisjames.com)

*Counsel for Plaintiff Guardian Industries Corp.*

# **EXHIBIT A**

UNITED STATES DISTRICT COURT

United States District Court District of Delaware

GUARDIAN INDUSTRIES CORP.

**SUMMONS IN A CIVIL CASE**

V.

DELL, INC.; et al.

CASE NUMBER: 05-27

CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2005 JAN 25 PM 4:21

TO: (Name and address of Defendant)  
Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company  
c/o Delaware Secretary of State  
401 Federal Street, Suite 3  
Dover, DE 19901

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Richard K. Herrmann  
Mary B. Matterer  
BLANK ROME LLP  
1201 N. Market Street, Suite 800  
Wilmington, DE 19801  
(302) 425-6400

an answer to the complaint which is served on you with this summons, within Twenty (20) days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

PETER T. DALLFO

1-24-05

CLERK

DATE

(By) DEPUTY CLERK

C. L. Pallo

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	
NAME OF SERVER (PRINT)	TITLE	
Edward Jones	Process Server	
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where _____   		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person with whom the summons and complaint were _____		
<input type="checkbox"/> Returned _____   		
<input checked="" type="checkbox"/> Other (specify): Served on Chunghwa Pictures Tubes, Ltd Attn: Chunghwa Picture Tubes Company C/o secretary of State of Delaware located at 401 E Colfax Street, Dover DE 19901 Service was accepted by Mary Jo Lechenger at 5:06 pm		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on	1/24/05	Date
 Signature of Server		
<u>3200 Kerner Blvd, Ste 109, Dover DE 19904</u> Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

## **EXHIBIT B**



**Phone:** (302) 425-6434  
**Fax:** (302) 425-6464  
**Email:** [herrmann@blankrome.com](mailto:herrmann@blankrome.com)

February 3, 2005

**VIA REGISTERED MAIL NO. RB 420 560 186 US**  
**RETURN RECEIPT REQUESTED**

Chunghwa Picture Tubes, Ltd.  
a/k/a Chunghwa Picture Tubes Company  
No. 1127, Ho-ping Road  
Tanan, Pahte, Taoyuan  
Taiwan, R.O.C.

**Re: *Guardian Industries Corp. v. Dell, Inc. et al.***  
**D.Del., C.A. No. 05-27 SLR**

To whom it may concern:

Please be advised that Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company has been served with Process (Summons) and Complaint in Delaware pursuant to 10 Del. C. § 3104. Service of the original Summons and Complaint in the above referenced case have been served upon the Delaware Secretary of State as agent for acceptance of legal process. Under 10 Del. C. § 3104, such service is as effectual to all intents and purposes as if it had been made upon Chunghwa Picture Tubes, Ltd. a/k/a Chunghwa Picture Tubes Company within Delaware.

Enclosed please find a copy of the Summons and Return of Service and the Complaint. Thank you for your attention to this matter.

Yours,

A handwritten signature in black ink, appearing to read "RKH".

Richard K. Herrmann

RKH:sch  
Enclosure

Chase Manhattan Centre 1201 Market Street Suite 800 Wilmington, DE 19801  
[www.BlankRome.com](http://www.BlankRome.com)

# **EXHIBIT C**

Item Description (Nature de l'envoi recommandé)	Registered Article (Envoi recommandé) Insured Parcel (Colis avec valeur déclarée)	Printed Letter (Lettre) Insured Value (Valeur déclarée)	Recorded Delivery (Envoi à l'avis de réception) Article Number	Express Mail International (Autre) (Imprimé) Date of Posting (Date de dépôt)
Completed by the office of origin. (A remplir par le bureau d'origine.)				
Street and No. (Rue et No.)	Office of Mailing (Bureau de dépôt)	R3 420 \$80 186 US		
Place and Country (Localité et pays)	Taiwan, R.O.C.			
Completed at destination. (A compléter à destination.)				
<p>This receipt must be signed by: (1) the addressee, or (2) a person authorized to do so under the regulations of the country of destination. (Code des délais signé par le destinataire ou par une personne autorisée en vertu des règlements du pays de destination.)</p> <p>(Cet avis doit être signé par le destinataire ou par une personne autorisée en vertu des règlements du pays de destination.)</p> <p>Reglements le portant, par l'agent ou bureau de destination, et envoyé par la poste comme recommandé à réception assurée.</p> <p><input type="checkbox"/> The article mentioned above was duly delivered. <i>Σ</i> Date: <i>15/3/97</i></p> <p>(L'envoi mentionné ci-dessus a été délivré.)</p> <p><input type="checkbox"/> Signature of Addressee (Signature du destinataire)</p> <p><i>Richard K. Hermann</i></p> <p>Signature of Destination Employee Signature (Signature de l'agent du bureau du destinataire)</p> <p><i>Blank Rome LLP</i></p>				
<p>PS FORM 2865, 1997 (Reverse)</p> <p><b>POSTAL SERVICE</b> <b>RECEIVED</b></p> <p><b>RECORDED MAIL</b></p> <p>POSTMARK of the office returning the receipt Timbre du bureau renvoyant l'avis</p> <p><i>125</i></p>				
<p>MAR 28 2005</p> <p><i>Richard K. Hermann Avion</i></p> <p><i>Richard K. Hermann, Esq.</i></p> <p>Administration des Postes des Etats-Unis d'Amérique</p> <p>The sender completes and indicates the address for the return of this receipt. (A remplir par l'expéditeur, qui indiquera son adresse pour le renvoi du présent avis.)</p> <p>Return by the quickest route (air or surface mail), a discovered and postage free....</p> <p>Street and Number (Rue et no.) Suite 800 Wilmington, DE 19801</p> <p>City, State, and ZIP + 4 (Localité et code postal)</p> <p>A renvoyer par la voie la plus rapide (aérienne ou de surface), à découvert et en franchise de port.</p> <p>UNITED STATES OF AMERICA U.S. POSTAL SERVICE Avis de réception</p> <p>CN07 (Old C5)</p>				

## **EXHIBIT D**

Blank

— Registered No. *RP 470 860 186 US* —

Date Stamp

To Be Completed By Post Office	Reg. Fee \$ <b>\$7.50</b>	Return \$ <b>\$1.75</b>
Handling Charge	\$ <b>\$0.00</b>	Receipt
Postage	\$ <b>\$17.35</b>	Restricted \$ <b>\$0.00</b>
Received by	Delivery	
Customer Must Declare Full Value \$ <b>\$0.00</b> <div style="display: flex; justify-content: space-around; align-items: center;"> <input type="checkbox"/> With Postal Insurance  <input type="checkbox"/> Without Postal Insurance         </div> <p style="text-align: right; font-size: small;">Domestic Insurance up to \$25,000 is included in the fee. International insurance is optional. (See Reverse.)</p>		
To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed	<b>Richard K. Herrmann</b> Blank Rome LLP 1201 Market Street, Ste 800 Wilmington, DE 19801 <b>Chunghua Picture Tubes, Ltd.</b> <b>alicia Chunghua Picture Tubes Co</b> 10. 1127, Ho-ping Road Tainan, R.O.C., Taiwan, R.O.C.	

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer  
June 2002 (See Information on Reverse)

For delivery information, visit our website at [www.usps.com](http://www.usps.com) ®